

PATENT
Docket No. 55940US002
(formerly 55940USA7A.002)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): RASMUSSEN et al.)	Group Art Unit:	1633
)		
Serial No.: 09/827,107)	Examiner:	David Lukton
Confirmation No.: 5006)		
)		
Filed: 5 April 2001)		
)		
For: SOLID PHASE SYNTHESIS SUPPORTS AND METHODS)		

ELECTION OF SPECIES AND RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RECEIVED
CENTRAL FAX CENTER**

OCT 24 2003

Dear Sir:

OFFICIAL

In response to the Election/Restriction Requirement mailed 1 August 2000, Applicants elect, with traverse, claims 31-66, drawn to a functionalized support. Applicants' Representatives reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicants respectfully request reconsideration and withdrawal or modification of the restriction requirement. It is respectfully submitted that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others.

Were restriction to be effected between the claims of Groups I and II, a separate examination of the claims in these two groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and II would have to be as rigorous as when only the claims of Group I, for example, were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of

ELECTION OF SPECIES AND RESPONSE TO RESTRICTION REQUIREMENT

Page 2 of 3

Applicant(s): RASMUSSEN et al.

Serial No.: 09/827,107

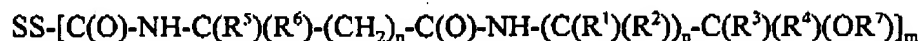
Confirmation No.: 5006

Filed: 5 April 2001

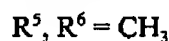
For: SOLID PHASE SYNTHESIS SUPPORTS AND METHODS

different categories are so interrelated.

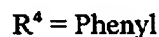
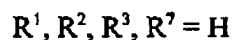
Applicants further elect as the "species," the material cited recited in claim 42, which recites a functionalized support having the following formula:



wherein:



$$n = 0$$



and SS = vinylazlactone/methylenebisacylamido particles.

This election is with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicants traverse on the grounds that the generic claim includes sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the Examiner.

ELECTION OF SPECIES AND RESPONSE TO RESTRICTION REQUIREMENT

Page 3 of 3

Applicant(s): RASMUSSEN et al.

Serial No.: 09/827,107

Confirmation No.: 5006

Filed: 5 April 2001

For: SOLID PHASE SYNTHESIS SUPPORTS AND METHODS

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24th day of October, 2003, at 12:08 p.m. (Central Time).

Signature: *Rachel Gayland Gibson*Name: *Rachel Gayland Gibson*

Respectfully submitted for

RASMUSSEN et al.

By

Muetting, Raasch & Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612)305-1220

Facsimile: (612)305-1228

Date

*October 24, 2003*By: *Ann M Muetting*

Ann M. Muetting

Reg. No. 33,977

Direct Dial (612)305-1217

**RECEIVED
CENTRAL FAX CENTER**

OCT 24 2003

OFFICIAL